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ABSTRACT

In preparation for the reauthorization of the Workforce Investment Act of 1998 (WIA), this policy update presents key aspects of the statutory language of Title I of the WIA and describes its potential implications for youth with disabilities as they prepare for the transition to employment and adult life as described in Sections 126-129 of Chapter 4--Youth Activities. The purpose of the WIA is to establish a new comprehensive workforce investment system that is customer focused, allows individuals to manage their careers, and helps employers locate competent employees. For youth with disabilities, WIA includes individualized service and access to integrated education opportunities as key complements, similar to those found in the Individuals with Disabilities Education Act (IDEA). A chart illustrates the interrelationship of the transition service requirements of Title I of WIA and IDEA. Information is also provided on key services each local youth program must include: tutoring, study skills training, instruction leading to completion of secondary school, alternative secondary school services, summer employment, work experiences, occupational skills training, leadership development, supportive services, mentoring, and counseling. The performance accountability system under the WIA is also explained, along with provisions addressing the Job Corps, Youth Opportunity Grants, and nondiscrimination. (CR)

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Creating Opportunities for Youth With Disabilities to Achieve Successful Futures

A partnership of —

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Youth with Disabilities and the Workforce Investment Act of 1998

On August 7, 1998, President Clinton signed into law the Workforce Investment Act of 1998 (WIA) (P.L. 105-220). WIA creates a comprehensive job training system that consolidates a variety of federally funded programs into a streamlined process that allows individuals to easily access essential job training and employment services. Also, because the law includes provisions for more local control, WIA assists employers in accessing skilled workers. The purpose of this Policy Update is to present key aspects of the statutory language of Title I of WIA and describe its potential implications for youth with disabilities as they prepare for the transition from school to employment and adult life as described in Sections 126-129 of Chapter 4—Youth Activities. WIA will undergo reauthorization this year. For more information, or to make comments on reauthorization issues, visit *http://www.doleta.gov/usworkforce*.

Purpose of WIA

The purpose of WIA is to establish a new, comprehensive workforce investment system that is customer focused, allows individuals to manage their careers, and helps employers locate competent employees. WIA calls for a major restructuring and significant systemic changes that facilitate the creation of a high-quality, workforce investment system that enables all individuals to prepare for and enter the workplace. As stated in Section 106, the purpose of Subtitle B—Statewide and Local Workforce Investment Systems is to: Provide workforce investment activities through statewide and local workforce investment systems that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the Nation.

WIA clearly includes individuals with disabilities as eligible for services provided under Title I. As further referenced in:

- Section 112 (b) (17) (A) (iv) how the State will serve the employment and training needs of dislocated workers (including displaced homemakers), low-income individuals (including recipients of public assistance), individuals training for nontraditional employment, and other individuals with multiple barriers to employment (including older individuals and individuals with disabilities); and in
- Section 136 (d) (2) (F) performance with respect to the indicators performance specified in subsection (b) (2) (A) of recipients of public assistance, out-of-school youth, veterans, individuals with disabilities, displaced homemakers, and older individuals.

These statements emphasize WIA's specific purposes in addressing the high unemployment rate of traditionally underserved populations, including

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individuals with disabilities. WIA emphasizes the importance of streamlining services in an integrated system. It is Congress' intent, as outlined in Section 106 of WIA, that states and localities develop and implement workforce investment systems which fully include and accommodate the needs of individuals with disabilities.

Because the focus is on inclusion, WIA promotes a philosophy of service delivery that is consistent with the Americans with Disabilities Act (ADA). WIA requires that services be provided in the most integrated setting possible. The nondiscrimination and reasonable accommodation provisions of the ADA are strongly echoed in WIA. WIA also emphasizes universally accessible services which are open to all. By creating a system that accommodates individuals with disabilities within the mainstream services, workforce investment systems will become more available to all individuals. For youth with disabilities, WIA includes individualized service and access to integrated education opportunities as key components, similar to those found in the Individuals with Disabilities Education Act (IDEA). Both Acts include specific provisions for preparing for the transition from school to employment (see Figure 1: Interrelationship of Transition Service Requirements of IDEA and WIA).

WIA Titles

The Workforce Investment Act of 1998 is comprised of five titles: Title I - Workforce Investment Systems; Title II – Adult Education and Literacy; Title III – Workforce Investment-Related Activities; Title IV – Rehabilitation Act Amendments of 1998; Title V – General Provisions. The purpose of Title II is to help adults become literate so they may gain the necessary skills for employment, assist in their children's educational development, or complete secondary school. Title III describes the amendments to the Wagner-Peyser Act (29 U.S.C. 49j). Title IV explains amendments to the Rehabilitation Act of 1998. Title V illustrates the general provisions of the Workforce Investment Act such as the state unified plan, indicators of performance, incentive grants, and transition provisions. This Policy Update focuses on Title I only.

Workforce Investment Systems (Title I)

The goal of WIA is to create a seamless system by consolidating services into a one-stop service delivery model. Under WIA, individuals may access training, employment, and other human resources-related services at one location. Separate programs exist for youth and adults. Youth are defined as individuals ages 14-21. However, because adult services begin at age 18, older youth (ages 18-21) may access services from either the youth or adult program funds or from both simultaneously. The one-stop service delivery system must be accessible to all job seekers, including individuals with disabilities.

State Workforce Investment Boards (Section 111)

The structure of the new workforce investment system mandates three planning and oversight boards at the state and local levels. Section 111 makes provisions for state workforce investment board (WIB) membership. The state WIB must include the governor; two members of the state senate and state house of representatives; representatives from business, labor organizations, youth organizations, groups with expertise in the delivery of workforce investment activities, and elected officials; and state agency officials responsible for one-stop services, economic development, and juvenile justice programs. State WIB members can include persons with disabilities and/or professionals representing organizations and agencies serving persons with disabilities. This decision rests with governors and their staff.

The function of the state WIB is to assist the governor in generating a five-year state plan and developing and continuously improving a one-stop service delivery system which offers workforce development activities statewide. The board must also develop linkages with employment and training programs throughout the state in order to assure coordination and avoid duplication.

The state plan must include a description of how the requirements of WIA will be implemented statewide, and it must identify performance benchmarks such as job placement rates and earnings of trainees. The plan also requires common data collection and reporting processes used for workforce investment activities. It must also include a description of how the plan will meet the needs of underserved groups (including people with disabilities) and youth, particularly those eligible youth who are recognized as having significant barriers to employment.

Local Workforce Investment Boards (Section 117)

Within each local area, a WIB is established to plan and oversee the local workforce investment system. The local WIB is comprised of representatives from businesses, trade associations, educational agencies, local school boards, labor organizations, economic development agencies, and one-stop partners. Individuals with disabilities and/or professionals representing organizations and agencies serving persons with disabilities can be local WIB members. Communicating directly with local WIB chairs to inform them of the importance of including

members with disabilities may result in achieving WIB membership. The majority of board members must represent local business.

The function of the local WIB is to develop and submit a local plan to the governor, select One-Stop service delivery operators, choose youth providers, identify eligible providers of training services, and identify eligible providers of intensive services. These local boards must submit to the governor a five-year plan, based on local circumstances, that outlines their strategies to meet the requirements of WIA.

The local plan must be consistent with the state plan and must include current and projected labor market information, the required job skills to meet local employment opportunities, and a plan for developing and continuously improving the local One-Stop service delivery system.

Youth Council (Section 117 (h))

WIA mandates the establishment of a youth council as a subgroup within each local board. A youth council is established as a subgroup of the local WIB, in cooperation with the chief elected official. Youth councils consist of local board members with expertise in youth policy, representatives of youth service agencies, local public housing authorities, parents of eligible youth, Job Corps staff, and representatives of organizations that have experience relating to youth activities.

The function of the youth council is to develop the portions of the local plan related to youth, recommend eligible providers of youth activities, oversee eligible providers of youth activities in the local area, coordinate youth activities authorized under Section 129 in the local area, and conduct other duties determined to be appropriate by the chairperson of the local board.

It is imperative that individuals who are knowledgeable about career development and employment issues of people with disabilities seek active representation on WIBs and youth councils. Including special educators, rehabilitation providers, and business people who have successfully employed individuals with disabilities, will affirm that the needs of youth are met, and ensure that they are not segregated into "special" services for individuals with disabilities.

Establishment of One-Stop Delivery System (Section 121)

A major feature of WIA is the establishment of a One-Stop service delivery system for accessing employment and training services. The One-Stop system integrates a once fragmented service-delivery system into a convenient, comprehensive process that addresses local labor market needs. WIA requires accountability through performance measures for One-Stop service providers. One-Stop providers must measure completion rates, wages, placement rates in unsubsidized employment, retention rates, and, where appropriate, the rates of licensure or certification, and attainment of other measures of skills and program costs (such as tuition and fees).

Consistent with the state plan, the local board must develop a memorandum of understanding to be created with 12 required partners including but not limited to: Job Service; adult education and literacy; vocational rehabilitation; programs under Social Security and Temporary Assistance for Needy Families (TANF); senior employment programs; programs under the Carl D. Perkins and Applied Technology Education Act; veterans programs; community service block grant employment and training programs; employment and training programs carried out by the Department of Housing and Urban Development; and programs authorized under state unemployment and compensation laws. The memorandum of understanding consists of a list of services to be provided by the One-Stop partners, the cost of such services, and a referral process for individuals seeking services through the duration of the memorandum, and the procedures for amending it. By including agencies such as vocational rehabilitation and programs under the Social Security Administration, improved opportunities exist for broader levels of collaboration among the agencies cited than ever before. The One-Stop system also provides improved access to information, expanded customer choice, and integrated services offering a variety of employment training and education programs provided by multiple partners.

Employers will also experience benefits from the One-Stop system. By consolidating services at the One-Stop center, employers have a focal point for recruitment, thus minimizing the competition for employer involvement that existed in a previously uncoordinated service system. The One-Stop system also reduces the amount of time and energy employers spend on identifying local agencies, the population they serve, and whether to recruit from that agency.

Section 134

Section 134 mandates that One-Stop services be provided, at a minimum, at one physical center in each local area of the state. Services may also be provided through a network of affiliated sites that can provide one or more of the programs, services and activities to individuals, and through a network of One-Stop partners.

Three categories of services are available through One-Stop centers. These services are available to adults who are defined as ages 18 and older:

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1. Core services are available to adults and dislocated workers and include the following activities: eligibility determination; intake and orientation; skill, aptitude, and ability assessment; job search and placement assistance; provision of labor market information; provision of performance information of eligible one-stop providers; referral information; and follow up services. Youth ages 14-17 are not eligible for core services.

2. Intensive services are available to adults and dislocated workers who are unable to find employment using the core services and who meet specific eligibility requirements. Intensive services may include the following: comprehensive and specialized assessment of skills, development of an individual employment plan, individual or group counseling, case management, and short-term prevocational services. Youth ages 14-17 are not eligible for intensive services.

3. Training services are available to adults and dislocated workers who are eligible for intensive services, but have been unable to obtain employment. Training services may include: occupational skills training, on-the-job training, workplace training combined with related instruction, training programs operated by the private sector, skill upgrading, job readiness training, adult education and literacy, and customized training for employers who hire one-stop customers. Eligible individuals access these services through individual training accounts. Eligible individuals are provided with vouchers in order to select the training provider that best meets their needs. Priority is given to recipients of public assistance and other low-income individuals for intensive services and training services. Training services must be linked to occupations in demand in the local area or in another area in which the job seeker is willing to relocate. Youth ages 14-17 are not eligible for training services.

Because older youth (ages 18-21) are eligible for core, intensive, and training services, they have increased access to comprehensive career counseling, job search assistance, and skill building opportunities. WIA programs create lifelong access to career development assistance in that these services are not only available at the time of transition, but eligible individuals may tap into these services throughout their adult lives.

Youth Activities Chapter 4 (Sections 126-129)

In addition to providing streamlined services for adults, WIA prepares eligible youth for postsecondary education and unsubsidized employment, offers strong linkages between academic and occupational learning, and creates connections with local and regional employers. Section 129 describes the following key principles which each local youth program must address: provide activities for improving educational and skill competencies and provide effective connections to employers; ensure ongoing mentoring opportunities for eligible youth with committed adults; provide opportunities for training for eligible youth; provide incentives for recognition and achievement for eligible youth; provide opportunities for eligible youth in activities related to leadership, development, decision-making, citizenship, and community service.

Section 129 states that funds allocated to a local area for eligible youth must—

a. provide an objective assessment of the academic levels, skill levels, and service needs of each participant, which assessment shall include a review of basic skills, occupational skills, (including interests and aptitudes for nontraditional jobs), supportive service needs, and developmental needs of such participants, except that a new assessment of a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent assessment of the participant conducted pursuant to another education or training program;

b. develop service strategies for each participant that shall identify an employment goal (including in appropriate circumstances, nontraditional employment), appropriate achievement objectives, and appropriate services for the participant taking into account the assessment conducted pursuant to subparagraph (a), except that a new service strategy for a participant is not required if the provider carrying out such a program determines it is appropriate to use a recent service strategy developed for the participant under another education or training program; and

c. provide—

   (1) preparation for postsecondary educational opportunities in appropriate cases;

   (2) strong linkages between academic and occupational learning;

   (3) preparation for unsubsidized employment opportunities, in appropriate cases; and

   (4) effective connections to intermediaries with strong links to –

      (i) the job market; and

      (ii) local and regional employers.

WIA youth programs consist of 10 key service elements: tutoring, study skills training, and instruction leading to completion of secondary school, including dropout prevention strategies; alternative secondary school services; summer employment opportunities that

are directly linked to academic and occupational learning; paid and unpaid work experiences, including internships and job shadowing; occupational skill training; leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours; supportive services; adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months; follow-up services for not less than 12 months after the completion of participation, as appropriate; and comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral.

Services are provided to youth who meet the income eligibility criteria. Five percent of program funds may be used for youth who are not low-income, but meet other eligibility criteria such as individuals with disabilities (including learning disabilities), individuals who are homeless, runaway youth, or individuals who are legal offenders. At a minimum, 30% of funds for youth activities must be used for out-of-school youth.

The requirement to provide preparation for postsecondary education and unsubsidized employment and create linkages between academic and occupational learning indicates the strong intersection between WIA's and IDEA's transition goals. Both Acts serve youth ages 14-21, however, under IDEA, students with disabilities become ineligible for services upon graduation with a regular high school diploma, or by exceeding the age eligibility for FAPE (free appropriate public education) under State law. WIA also takes into account that some students may have completed recent assessments at another education or training program (e.g. the Individual Education Program/transition goals). Under IDEA, transition services may be provided by the education agency or by agencies outside the school. IDEA promotes a shared responsibility for providing transition services, some of which may be obtained under WIA-funded programs (**See Figure 1**).

In addition to having a strong intersection with IDEA's transition goals, WIA-sponsored youth program models offer youth with disabilities additional resources for making the transition from secondary education to postschool environments. Since vocational rehabilitation is one of the central components of WIA's workforce investment system, these services will be available via the One-Stop centers, often through co-location. The degree to which services are available will vary across states and local communities. Also, because many One-Stop centers will include disability service providers as partners, there will be an opportunity to link youth to these services not only at the time of their transition from school, but anytime in their adult life. Core services are available to anyone ages 18 and older. Youth with disabilities may seek assistance without waiting for eligibility determination or designated program referrals, and without disclosing their disability. This greatly reduces the stigma that many youth with hidden disabilities may experience when accessing segregated services.

Performance Accountability

A key component of WIA is performance accountability. The performance accountability system assesses the effectiveness of state and local areas in achieving continuous improvement of workforce investment activities in order to optimize the return on investment of Federal funds in such activities (Section 136 (a)). There are separate sanctions for states failing to meet state performance measures and local areas failing to meet local performance measures. States that fail to meet state performance measures may request technical assistance in developing a performance improvement plan. If such failure continues for a second consecutive year, the state's grant may be reduced by not more than five percent for the next program year. If the local area fails to meet its local performance measures, it may also request technical assistance in developing a performance improvement plan. If the failure continues for a second consecutive year, the governor may request a reorganization plan in which a new local board would be appointed and certified, participation of eligible providers and One-Stop partners who are achieving a poor level of performance could be prohibited, or other actions may be taken as appropriate. A local area that is subject to a reorganization plan may appeal to the governor no later than 30 days after receiving the reorganization plan notice.

There are also separate indicators of performance for youth and adults. Core indicators of performance for adults, dislocated workers, and older youth (ages 19-21) consist of the following: entry into unsubsidized employment; retention of and earnings received from unsubsidized employment six months after entry; and educational skill attainment documented through a recognized credential for those who enter unsubsidized employment or, for youth (ages 19-21), the attainment of a recognized credential such as a high school diploma or equivalent for those entering postsecondary education or advanced training as well as unsubsidized employment.

Core indicators of performance for youth (ages 14-18) include the attainment of basic skills and work readiness or occupational skills; attainment of secondary school diplomas and their recognized equivalents; placement and retention in postsecondary education or advanced training; or placement and retention in military service,

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Figure 1: Interrelationship of the Transition Service Requirements of Title I of WIA and IDEA

	WIA—Youth Provisions (Ages 14-21)	IDEA Amendments (Ages 14-21)
School Status	➔In- or out-of-school youth.	➔In-school youth; eligibility ends upon graduation with a regular high school diploma; and ends at age 21 unless inconsistent with State law or practice.
Educational Services	➔Tutoring, study skills training, and instruction, leading to completion of secondary school, and including dropout prevention strategies. ➔Alternative secondary school services. ➔Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social behaviors during non-school hours. ➔Supportive services.	➔Includes instruction; related services; community experiences; the development of employment and other postschool adult living objectives; and, if appropriate, acquisition of daily living skills and functional vocational evaluation. ➔Annual planning and review meetings; assessment of students' needs and interests. ➔Beginning at age 14 (or younger if determined appropriate by the IEP team), the IEP must include a statement of transition service needs of the student that focuses on the student's courses of study (such as participation in advanced-placement courses or a vocational education program).
Workforce Preparation	➔Summer employment opportunities that are directly linked to academic and occupational learning. ➔Paid and unpaid work experiences, including internships and job shadowing. ➔Occupational skills training.	➔Development of employment and other postschool adult living objectives based on students' interests.
Other Related Services	➔Adult mentoring for the period of participation and subsequent period, for a total of not less than 12 months. ➔Follow-up services for not less than 12 months after the completion of participation as appropriate. ➔Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, and career counseling. ➔Intake and orientation. ➔Initial assessment. ➔Job search and placement assistance. ➔Determination of eligibility for additional services.	➔Provision of related services to achieve transition goals. ➔Beginning at age 16 (or younger, if determined appropriate by the IEP team), a statement of needed transition services for the student, including, if appropriate, a statement of the interagency responsibilities or any needed linkages. ➔Student participation is required in the development of transition plans.

employment or qualified apprenticeships. Additional measures include customer satisfaction indicators or other measures identified in the state plan.

According to Section 136 (d) (1) each state that receives WIA funds must –

annually prepare and submit a report on the progress of the state in achieving state performance measures, including information on the levels of performance achieved by the state with the core indicators of performance and the customer satisfaction indicator.

Job Corps (Section 141)

In addition to WIA youth programs, Job Corps continues to serve youth as a separate program. Job Corps enrollees must be low income individuals who have one or more of the following characteristics: basic skills deficiency; a school dropout; homeless, runaway, or foster child; a parent; or an individual who requires additional education, vocational training, or intensive counseling and related assistance in order to participate successfully in regular schoolwork or to secure and hold employment.

To be eligible to enroll in Job Corps, individuals must be between the ages of 16 and 21 on the date of enrollment, however, a stipulation in Section 144 states that not more than 20% of enrollees may be between the ages of 22 and 24. Section 144 (1) (B) includes a special provision that the maximum age limitation may be waived for individuals with disabilities. Individuals may not enroll in Job Corps for longer than two years except when authorized as special cases. Job Corps provides enrollees with a supervised program of education, vocational training, work experience, recreational activities, physical rehabilitation and development, and counseling. Each enrollee has access to the one-stop core services and intensive services (Section 148 (a) (1)). Job Corps enrollees may also access education and vocational training, continued services such as counseling, and childcare. Each enrollee receives counseling and testing at specified times to measure progress in Job Corps-sponsored education and vocational training programs. Job Corps enrollees and graduates may also receive personal or readjustment allowances as deemed appropriate.

Youth Opportunity Grants (Section 169)

To address the specific challenges of youth in high poverty areas, WIA has allocated money for youth opportunity grants. Youth opportunity grants are to be used to increase the long-term employment of youth who live in empowerment zones, enterprise communities, and high-poverty areas. Youth residing in the target communities are eligible to be served by these grants regardless of family income. Eligible youth served under Youth Opportunity Grants must be between the ages of 14 and 21 at enrollment, reside in the target area, be a legal U.S. citizen, and males age 18 or older must be registered as required under the Selective Service Act. Grantees must ensure that all parts of their projects allow for equal access and full participation of youth with disabilities. As well, targeted outreach must be undertaken by the grantee to ensure that all eligible youth with disabilities are served. As part of the implementation plan, grantees must specify how they will provide outreach services to recruit youth with disabilities and how they guarantee access to program services.

Nondiscrimination (Section 188)

WIA prohibits discrimination based on disability, age, gender, race, color, national origin, political affiliation or belief, and WIA program participant status or citizenship (Section 188 (a)(2) (4) (5). This regulation applies to any recipient of funding under Title I, including state-level agencies that administer, or are financed in whole or in part with WIA Title I funds, state and local workforce investment boards, and local WIA grant recipients. As well, one-stop operators, service providers, and on-the-job training employers are bound by this regulation. The regulation also applies to the programs and activities that are part of any aspect of one-stop service delivery.

In order to meet both the principle of universal access and the requirements of nondiscrimination, workforce investment systems will need to insure that expertise in disability management and transition for youth with disabilities is available to them. In addition to ensuring that state and local WIBs and Youth Councils have active disability representation and include disability service providers as one-stop center partners, it is imperative that WIA-funded, program staff receive ongoing training and technical assistance on disability issues in order to effectively serve youth with disabilities. It is also important to identify and acknowledge employers and other community resources who have successfully included youth with disabilities in their operations. By providing the necessary supports, WIA-funded programs will have the capacity to serve youth with disabilities within mainstream programs.

Conclusion

WIA, through the one-stop system and youth services, considerably expands the resources available to youth with disabilities. It also offers the promise of a more inclusive system that builds determination of accommodation needs into mainstream workforce investment services, thus reducing the stigma people with disabilities often feel when they are singled out by receiving services

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in a separate location. WIA also extends the reach of employment and training programs that are designed to address the specific needs of individuals with disabilities.

The concepts of universal design and individual empowerment have been benchmarks of disability legislation for the past two decades. The fact that these concepts are so heavily embedded in the new workforce investment system suggests a new common ground for transition initiatives targeted for youth with disabilities and mainstream workforce development activities. The involvement of youth with disabilities in this mainstream system further promotes cross-agency, cross-program, and cross-disciplinary models that can lead to improved levels of service coordination, collaboration, and improved transition planning for all youth.

This Policy Update was prepared by NCSET staff at the University of Minnesota and TransCen, Inc.

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